

Senate Bill 380(As Introduced)

Topic: Employee Rights
Sponsor: Senator Bernero
Co-Sponsors: Senators Jacobs, Switalksi, Garcia, Schauer, Toy, Barcia, Prusi, Cherry, Olshove, Brater, Emerson, Clarke and Bishop
Committees: Senate Government Operations
Date Introduced: April 13, 2005
Date of Summary: April 18, 2005

The bill creates the Employee Privacy Protection Act to prohibiting an employer from discharging an employee due to lawful activity that is both off the premises and during non-work hours. The bill creates several exemptions:

- An activity that directly impairs an established bona fide occupational requirement or employment activity or responsibility.
- An activity that creates a substantial conflict of interest with the core mission of the employer or violates a written bona fide conflict of interest policy disseminated to employees.
- An activity that involves use of property that the employer owns or leases in violation of established company policy.
- An activity that is addressed under state or federal law regulating that employment, if the employee's action is not in accord with the law.

A person is prohibited from retaliating or discriminating against a person because the person has done or was about to do any of the following:

- File a complaint.
- Testify, assist, or participate in an investigation, proceeding, or action concerning a violation.
- Oppose a violation.

An employer is prohibited from requiring an applicant or employee from waiving a right under the act. Such an agreement by an applicant or employee is invalid and unenforceable.

A person who is injured by a violation may bring a civil suit to obtain injunctive relief and damages. The court is required to award costs and reasonable attorney fees to the person who prevails as a plaintiff.

